

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

MARTIN J. WALSH, Secretary of
Labor, United States Department of Labor,

Plaintiff,

V.

**DAYEMI ORGANIZATION, INC. d/b/a
 LONGBRANCH CAFÉ AND BAKERY, an
 Illinois corporation, and ELAINE RAMSEYER
 GREENBERG, an individual,**

Defendants.

Civil action no.: 3:21-cv-00056-SMY

CJRA Track: B

Trial Date: July 11, 2022

Judge Staci M. Yandle

SECRETARY OF LABOR'S PRETRIAL DISCLOSURES



Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, and the Court’s Case Management Procedures, Plaintiff Martin J. Walsh, Secretary of Labor, U.S. Department of Labor (“Secretary”) hereby submits his pretrial disclosures.






I. Witnesses

The Secretary may present testimony from the witnesses listed in the table below.

Name	Contact Information ¹	Summary of Testimony
Wage & Hour Investigator (“WHI”) Lindsey Corona	1222 Spruce Street, St. Louis, MO 63103; 314-539-2706 (Contact through Secretary’s counsel)	Expected to testify about: the Department of Labor’s investigation of Defendants; the allegations in the Secretary’s <i>Complaint</i> ; the Secretary’s back wage computations; Defendants’ pay and recordkeeping practices; the hours employees worked; the compensation employees received, including Defendants’ tip-pooling practices; Defendants’ business structure and general operations; and employees’ job duties, work activities, work locations, and other incidents of employment with Defendants at the time of the

¹ To protect the personally identifying information of non-party witnesses, the parties have agreed to redaction of the contact information for non-party witnesses in the pretrial disclosures filed in the Court's electronic filing system. Such information

		investigation. May also testify for impeachment and/or rebuttal purposes if needed.
Defendant Elaine Ramseyer Greenberg	Contacted through Defense Counsel	May be called to testify regarding Longbranch Café's annual dollar volume of sales for relevant periods, her role at the Longbranch Café, Dayemi Organization's organizational and corporate structure, Dayemi Organization's ownership and structure, Longbranch Café's compensation practices, operation of the tip pool at Longbranch Café, Longbranch Café's recordkeeping practices, Longbranch Café's overtime compensation practices, and facts related to the defenses raised by Defendants in this matter, including Defendants' contentions regarding liquidated damages.
Kim Veras	Contacted Through Defense Counsel	May be called to testify regarding her duties with respect to Longbranch Café finances, the organizational and corporate structure of Longbranch Café, Dayemi Organization's ownership and structure, and recordkeeping practices of Dayemi Organization and Longbranch Café and Bakery.
Wilbur Davis	Contacted through Defense Counsel	May be called to testify regarding the hours he worked for Longbranch Café and compensation provided to him, including unpaid overtime compensation. May also be called to testify regarding Defendants' pay practices generally, including creation and operation of the tip pool.
Jennifer McSparin		Expected to testify about: employment with Defendants; Defendants' compensation practices; hours worked; policies, practices, procedures, operations, communications regarding the tip pool at Longbranch Café; and the work environment and other incidents of employment at Longbranch Café. May also testify for impeachment and/or rebuttal purposes and regarding concerns of retaliation.
Quintin McBride		Expected to testify about: employment with Defendants; Defendants' compensation practices; hours worked; policies, practices, procedures, operations, communications regarding the tip pool at Longbranch Café; and the work environment and other incidents of employment at Longbranch Café. May also testify for impeachment and/or rebuttal purposes and regarding concerns of retaliation.

Lilly Dunkel		Expected to testify about: employment with Defendants; Defendants' compensation practices; hours worked; policies, practices, procedures, operations, communications regarding the tip pool at Longbranch Café; and the work environment and other incidents of employment at Longbranch Café. May also testify for impeachment and/or rebuttal purposes and regarding concerns of retaliation.
Andrew Guyton		Expected to testify about: employment with Defendants; Defendants' compensation practices; hours worked; policies, practices, procedures, operations, communications regarding the tip pool at Longbranch Café; and the work environment and other incidents of employment at Longbranch Café. May also testify for impeachment and/or rebuttal purposes and regarding concerns of retaliation.
Jennifer Haselhorst		Expected to testify about: employment with Defendants; Defendants' compensation practices; hours worked; policies, practices, procedures, operations, communications regarding the tip pool at Longbranch Café; and the work environment and other incidents of employment at Longbranch Café. May also testify for impeachment and/or rebuttal purposes and regarding concerns of retaliation.
Dan Mendenall	 ;	Expected to testify about: employment with Defendants; Defendants' compensation practices; hours worked; policies, practices, procedures, operations, communications regarding the tip pool at Longbranch Café; and the work environment and other incidents of employment at Longbranch Café. May also testify for impeachment and/or rebuttal purposes and regarding concerns of retaliation.
Cierra Goolsby		Expected to testify about: employment with Defendants; Defendants' compensation practices; hours worked; policies, practices, procedures, operations, communications regarding the tip pool at Longbranch Café; and the work environment and other incidents of employment at Longbranch Café. May also testify for impeachment and/or rebuttal purposes and regarding concerns of retaliation.

Olivia Zambetta		Expected to testify about: employment with Defendants; Defendants' compensation practices; hours worked; policies, practices, procedures, operations, communications regarding the tip pool at Longbranch Café; and the work environment and other incidents of employment at Longbranch Café. May also testify for impeachment and/or rebuttal purposes and regarding concerns of retaliation.
Lindsay Cappelli		Expected to testify about: employment with Defendants; Defendants' compensation practices; hours worked; policies, practices, procedures, operations, communications regarding the tip pool at Longbranch Café; and the work environment and other incidents of employment at Longbranch Café. May also testify for impeachment and/or rebuttal purposes and regarding concerns of retaliation.
Lana L. Frutoz		Expected to testify about: employment with Defendants; Defendants' compensation practices; hours worked; policies, practices, procedures, operations, communications regarding the tip pool at Longbranch Café; and the work environment and other incidents of employment at Longbranch Café. May also testify for impeachment and/or rebuttal purposes and regarding concerns of retaliation.
Todd Brown		May testify about employment with Defendants; Defendants' compensation practices; hours worked; policies, practices, procedures, operations, communications regarding the tip pool at Longbranch Café; and the work environment and other incidents of employment at Longbranch Café. May also testify for impeachment and/or rebuttal purposes and regarding concerns of retaliation.

If needed, the Secretary may also call any witnesses identified by Defendants, impeachment witnesses, and rebuttal witnesses.

II. Deposition Testimony

The Secretary does not anticipate presenting any witness testimony by deposition transcript. The Secretary reserves the right to present the testimony of Defendant Elaine Ramseyer Greenberg by deposition transcript should she become unavailable to testify live at the trial. The Secretary may also use Defendant Ramseyer's deposition transcript for impeachment purposes if needed.

III. Exhibits

The Secretary may offer the following evidentiary exhibits at the trial:

Exhibit No.	Bates Nos./Other Identifier	Description
	ECF No. 19	Defendants' Responses to Secretary's Requests for Admissions
	N/A	Defendants' Responses to the Secretary's Interrogatories & Verification
	DOL DOCS 00055	Dayemi Organization, Inc. Tax Return 2018
	LB079	Dayemi Organization, Inc. Tax Return 2019
	LB080	Dayemi Organization, Inc. Tax Return 2020
	N/A	PPP Loan Information for Longbranch Cafe
	N/A	PPP Loan Information for Dayemi Organization, Inc.
	DOL DOCS 000054	Baraka Trust Information
	DOL DOCS 000057	Secretary of State Corporate Information for Dayemi Organization, Inc.
	DOL DOCS 000011	Tip bucket photograph
	DOL DOCS 000012	Tip bucket photograph
	DOL DOCS 000013	Tip bucket labels photograph
	DOL DOCS 000014	Tip bucket photograph
	DOL DOCS 000015	Tip bucket photograph
	DOL DOCS 000016	Schedule photograph
	DOL DOCS 000058, ECF No. 33-3	Tip Out Policy photograph

	DOL DOCS 000090	Employee Conduct Report photograph
	ECF No. 33-10	Emails Declaring Tips
	ECF No. 33-16	Forms WH-55 and WH-56
	ECF No. 33-14	McSparin Tax Forms
	ECF No. 33-15	Back wage calculations for tips
	ECF No. 33-1	McSparin Decl.
	ECF No. 33-4	Zambetta Decl.
	ECF No. 33-5	McBride Decl.
	ECF No. 33-6	McSparin Supp. Decl.
	ECF No. 33-12	Brown Decl.
	ECF No. 24-3	Confidential Informant Decl.
	DOL DOCS 000027-47	Employee interview statements
	N/A	Ramseyer Notice of Dep.
	N/A	FRCP 30(b)(6) Notice of Dep
	N/A	Transcript of Deposition for Defendant Ramseyer as FRCP 30(b)(6) witness and in personal capacity
	N/A	Demonstrative – Tip Pool Policy
	N/A	Demonstrative – Back Wage Calculations
	N/A	Demonstrative – Tip Jar Photos
	N/A	Demonstrative – Timeline of Discipline
	N/A	Text messages, emails, or other documents used for impeachment and/or rebuttal purposes, or for retaliation concerns

The Secretary reserves the right to supplement his pretrial disclosures, as needed, to the extent permitted by law and the Court.

Respectfully submitted,

SEEMA NANDA
Solicitor of Labor

CHRISTINE Z. HERI
Regional Solicitor



ELISABETH NOLTE
Trial Attorney

Attorneys for **MARTIN J. WALSH**
Secretary of Labor
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CERTIFICATE OF SERVICE

I certify that on June 24, 2022, the **Secretary of Labor's Pretrial Disclosures**, with the identities of employee witnesses revealed, were electronically filed using the CM/ECF System and served by email on the following:

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/s/ Elisabeth Nolte
ELISABETH NOLTE
Attorney

United States Department of Labor,
One of the Attorneys for Martin J. Walsh,
Secretary of Labor